



HUMAN RESOURCES OFFICE  
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION

Number: 05-04


6 JAN 2005

ADMINISTRATIVE CLAIMS FOR ANNUAL LEAVE RESTORATION

UPDATE

No Expiration

1. Reference TAAI 04-61, dated 26 October 2004, subject: Administrative Claims for Annual Leave Restoration.
2. Public Law 106-554, enacted on 21 December 2000, changed the way military leave was processed. Prior to enactment, 15 days military leave was chargeable in whole day increments and periods of non-duty (such as weekends and holidays) were also chargeable. With the new law, military leave is now charged in one-hour increments and leave is not charged for periods of non-duty.
3. A recent decision in ***Butterbaugh v. Department of Justice*** ruled that employees should not have been charged military leave for any periods of non-duty. The 15 days military leave should have been 15 “**workdays**” of military leave not 15 “**calendar**” days. As a result, some employees were forced to take annual leave or leave without pay to complete their annual training.
4. Office of Personnel Management (OPM) issued a memorandum, dated 13 October 2004, regarding the court decision in ***Butterbaugh v. Department of Justice*** that provided broad guidance to all Federal agencies on processing employees' administrative claims for annual leave. However, implementing guidance has not been finalized by Department of Defense (DoD). National Guard Bureau has advised that until guidance is provided, all claims for annual leave restoration must be placed in abeyance until the release of further guidance. Upon the release of DoD guidance, all claims will be processed as soon as possible.
5. Questions may be directed to Nancy Hamilton, Human Resources Specialist, at CAGNET 63411, DSN 466-3411, or (916) 854-3411.

  
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